

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

PLAINTIFFS' SUMMARY CHART OF
177 PROPOSED TRIAL EXHIBITS

Pursuant to the Court's Order of July 22, 2014, and in further support of plaintiffs' Motion to Overrule Defendants' Authenticity and Hearsay Objections to 177 Proposed Trial Exhibits that Defendants Produced (the "Admissibility Motion," *see* DE 465 and 541), plaintiffs respectfully submit the following chart setting forth statements that plaintiffs intend to use in support of their case in chief, which are found in 177 documents produced by the defendants and designated by plaintiffs for use at trial.

Consistent with the organization of plaintiffs' Admissibility Motion, the table below divides the 177 proposed exhibits into five categories:

1. **Palestinian Authority ("PA") Employment records.** In general, the statements selected from these proposed concerning the defendants' employment of and/or payment to certain individuals will be offered to establish that the defendants are vicariously liable under a *respondeat superior* theory, and also to show that defendants ratified their employees' illegal conduct and materially supported terrorists and terrorist activities.

2. **PA Ministry of Detainees Records.** In general, statements selected from these proposed exhibits will be offered to show that defendants knew of, and ratified, their employees' and agents' wrongdoing.
3. **Records of Palestinian Liberation Organization's Martyrs' Families and Injured Care Establishment ("Martyr Files").** In general, statements selected from these proposed exhibits will be offered to show that defendants knew of, and ratified, their employees' and agents' wrongdoing, and as evidence of the facts described concerning the "martyrs'" acts.
4. **PA's General Intelligence Services Records.** In general, statements selected from these proposed exhibits will be offered to establish that the defendants had information concerning their employees' and agents' wrongdoing, and as evidence of the facts described concerning the employees' and agents' acts.
5. **PA's Ministry of Finance Statement of Account.** In general, statements selected from these proposed exhibits will be offered to show defendants' ratification of their agents' wrongdoing, material support for terrorism, to show defendants' participation in the predicate offense of conspiracy, and to support the alter ego theory of liability.

The general descriptions above of the likely uses at trial of the five categories of documents are provided solely to aid the Court in evaluating the defendants' objections. Plaintiffs do not intend to waive, and specifically reserve, the right to offer individual documents or portions thereof for purposes other than those described above.

Plaintiffs submit that each of the 177 proposed exhibits should be admitted in its entirety. In addition to the uses at trial described generally above, the proposed exhibits contain other

evidence relevant to the defendants' liability. For example, many of the documents are printed on the defendants' official letterhead, indicating that defendants adopted the statements contained within. Some of the documents include details like identity numbers of defendants' employees, relevant to the identity of the individuals responsible for the seven attacks at issue and their relationship to the defendants. Other documents contain information concerning the organization and structure of the defendants as agencies—such as names of departments and offices, individuals' ranks and titles—all of which could be evidence relevant to the authority of individuals to act on behalf of the defendants. Still other documents contain references to other documents that were not produced by the defendants, which may be relevant to adverse inferences that the jury may be entitled to draw. *See, generally*, Plaintiffs' Motion for Sanctions, DE 507. Finally, depending on the nature of the defendants' case, plaintiffs may rely upon information not identified below in order to impeach evidence offered by the defendants' witnesses. Thus, each of the following documents should be admitted in its entirety.

Finally, the list submitted below was prepared based upon issues presently in dispute, and is subject to amendment and supplementation to the extent additional issues of fact arise before trial.

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PAGES 5-61

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